IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

§	
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§	
	CD/H NO 2.00 01260 I
	CIVIL NO. 3:09-cv-01368-L
§	*CAPITAL CASE*
§	
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§	
§	

MOTION FOR JOINT PROPOSED SCHEDULING ORDER

TO THE HONORABLE UNITED STATES DISTRICT JUDGE SAM A. LINDSAY:

As noted in the Petition for a Writ of Habeas Corpus filed on June 30, 2010, undersigned counsel anticipates filing an amended petition in this case. Undersigned counsel has conferred with counsel for the Respondent, Jeremy Greenwell, regarding the schedule for filing the amended petition and the response. While the Respondent does not waive any defenses related to exhaustion and statute of limitation requirements, the parties have agreed to the following:

Mr. Murphy shall have one hundred and twenty (120) days from the date the scheduling order is signed to file his Amended Petition for a Writ of Habeas Corpus, and the Respondent shall have one hundred and twenty (120) days from the date of that filing to file his response.

CONCLUSION

Petitioner respectfully requests that this Court adopt the scheduling order proposed by the parties and issue the attached proposed order.

DATED: July 6, 2010 Respectfully submitted,

/s/ David R. Dow David R. Dow Texas Bar No. 06064900 Texas Defender Service 412 Main Street, Suite 1150 Houston, TX 77002 Tel. (713) 222-7788 Fax (713) 222-0260

Counsel for Patrick Henry Murphy Jr.

CERTIFICATE OF CONFERENCE

I certify that I conferred with Jeremy Greenwell, counsel for Respondent, on June 29, 2010, and on July 2, 2010, and he is not opposed to this motion.

s/ David R. Dow

David R. Dow

CERTIFICATE OF SERVICE

On July 6, 2010, I served an electronic copy of this pleading on counsel for the Respondent by filing the foregoing document with the Clerk of the Court for the U.S. District Court, Northern Division of Texas, using the electronic case filing system of the court.

JEREMY GREENWELL Assistant Attorney General P.O. Box 12548, Capitol Station Austin, TX 78711 Jeremy.greenwell@oag.state.tx.us

/s/ David R. Dow

David R. Dow

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

PATRICK HENRY MURPHY JR.,	8	
	§	
Petitioner,	§	
	§	
	§	
-VS-	§	CIVIL NO. 3:09-cv-01368-L
	§	
	§	*CAPITAL CASE*
	§	
RICK THALER, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

SCHEDULING ORDER

Upon consideration of the Motion for Joint Proposed Scheduling Order, it is hereby ordered that the motion shall be **GRANTED**. It is further ordered that Mr. Murphy shall have one hundred and twenty (120) days from today's date to file his Amended Petition for a Writ of Habeas Corpus. The Respondent shall have one hundred and twenty (120) days from the date of Mr. Murphy's filing to file his response.

Murphy's filing to file his response.	
SIGNED this day of	_, 2010.
	UNITED STATES DISTRICT JUDGE